



US Army Corps
of Engineers
St Paul District

APPLICANT: St. Michael
Haller, LLC

Public Notice

ISSUED: 3 March 2004
EXPIRES: 2 April 2004

REFER TO: 04-02804-TJF

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material in 2+ acres of unnamed wetlands and ditches during the construction of a large mixed-use development in the City of St. Michael, referred to as the Town Center of St. Michael.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 3600 Holly Lane, North
Suite 100
Plymouth, MN 55447

AGENT: Kjolhaug Environmental Services Company
26105 Wild Rose Lane
Shorewood, MN 55331
(952) 401-8757

PROJECT LOCATION: The project site is located primarily in the SE 1/4 Sec. 12, T. 120N., R. 24W., Wright County, Minnesota. The approximate UTM coordinates are Zone 15 North 5006550, East 449400.

DESCRIPTION OF PROJECT: The project involves the construction of a mixed-use development on 174 acres of former crop fields and sod fields that would include retail/commercial buildings; medium density residential housing; high density senior housing; and a civic center complex that could include a city hall and fire station. Related street systems, sewer and water utilities, storm water management ponds and wetland mitigation features would also be constructed.

QUANTITY, TYPE, AND AREA OF FILL: The applicant has estimated that 2.27 acres of wetland and ditches would be filled during construction, including 1.10 acres of a Type 3 wetland, 0.13 acre of Type 1 wetland, and 1.04 acres of existing ditches. An additional 0.27 acre of existing wetland would be partially excavated to remove reed canary grass and blend it into the proposed adjacent wetland mitigation area.

VEGETATION IN AFFECTED AREA: Corn and soybeans have been the common crops in the agricultural fields, and turf grass was grown in the sod field areas. A wetland delineation identified 3 wetlands and a series of ditches on the site. Wetlands 1 and 2 are found in the northwestern portion of the site. Both were considered Type 3 wetlands dominated by reed canary grass, cattails, goldenrod and nettles, with some sedges and scattered dogwood and willow shrubs. Wetland 3, in the southeastern sod field portion of the site is a disturbed Type 1 wet meadow dominated by reed canary grass, goldenrod

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and nettles. The sod field area contains 8 interconnected ditches, with depths ranging from 3.5 feet to 4.75 feet. Based on the ditch depths, soil type and outlet elevation, this area was determined to be effectively drained, with the exception of the ditches themselves.

WETLAND MITIGATION: Two large wetland replacement areas totalling 4.26 acres are proposed. One area (2.32 acres) would be created within an existing drained sod field. The other, a 1.94 acre area in the northwest portion of the site involves the expansion of an existing wetland. About 2.02 acres of upland buffers, utilizing native seed mixes, are proposed around the mitigation areas. Also, 7.67 acres of storm water ponds are planned.

ALTERNATIVES: The applicant indicated that a No Build alternative would not be consistent with the City's comprehensive plan. A large impact in the northwest portion of the site involves wetland fill for the construction of Edgewood Drive. Because this road would be used as a major collector, alternatives that would require sharp curves to avoid wetland impacts were considered not practicable. The applicant reduced impacts by designing the road with the minimum width and side slopes. This design allows for a total avoidance of DNR wetland 416W. Also, because no direct access to the individual residential lots from Edgewood Drive is being allowed, another roadway is required to service homes in this area. Therefore, without the proposed wetland fill this portion of the site may not have been developable.

SURROUNDING LAND USE: Rural residential and a new housing development are located to the north. A variety of industrial, commercial and residential areas lie to the south and west.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 190 Fifth Street East, Saint Paul, MN 55101-1638.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Timothy J. Fell at the St. Paul office of the Corps, telephone number (651) 290-5360.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Wright County is within the known or historic range of the following Federally-listed threatened species:

Species

Habitat

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Bald eagle

Mature forest near water

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the wetlands being filled are adjacent to a ditch system that flows west and south into the Crow River. Also, the ditch area being graded and excavated as part of the mitigation work is tributary to the Crow River, which is located about 1 mile to the southeast. The Crow River is a primary tributary of the Mississippi River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: City of St. Michael

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

The MPCA has eliminated the staffing resources for the Section 401 certification program due to budgetary limitations. Due to staff reductions, MPCA is intending to waive many section 401 certification applications with limited exceptions but the MPCA reserves the right

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and authority to proceed differently if extreme or unique circumstances merit a different approach. In many cases, the waiver of 401 certification means that the MPCA has not reviewed federally permitted projects in detail for conformance with state water quality standards nor has the MPCA made a determination of the proposal's compliance with state water quality standards. This waiver action, however, will not exempt the applicant from the responsibility of complying with all applicable water quality standards and requirements as contained in Minn. R. ch. 7050 and all other applicable state rules regarding water quality. The applicant will need to make a self-determination of water quality compliance of their proposal. In the event of water quality violations caused by the applicant's project, enforcement action may be taken by the MPCA.

Any comments relative to MPCA's intention to waive Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency
Regional Environmental Management Division
Attention 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

During an earlier review of an Alternative Urban Areawide Review (AUAR) the SHPO indicated that an archaeological survey did not appear necessary. They added that measures should be taken to preserve the Hagemeyer Farmstead, located at 550 Central Avenue (Highway 241). SHPO file 2002-1082

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the

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national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



Ralph J. Augustin
Chief, Metro Permit Section

Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

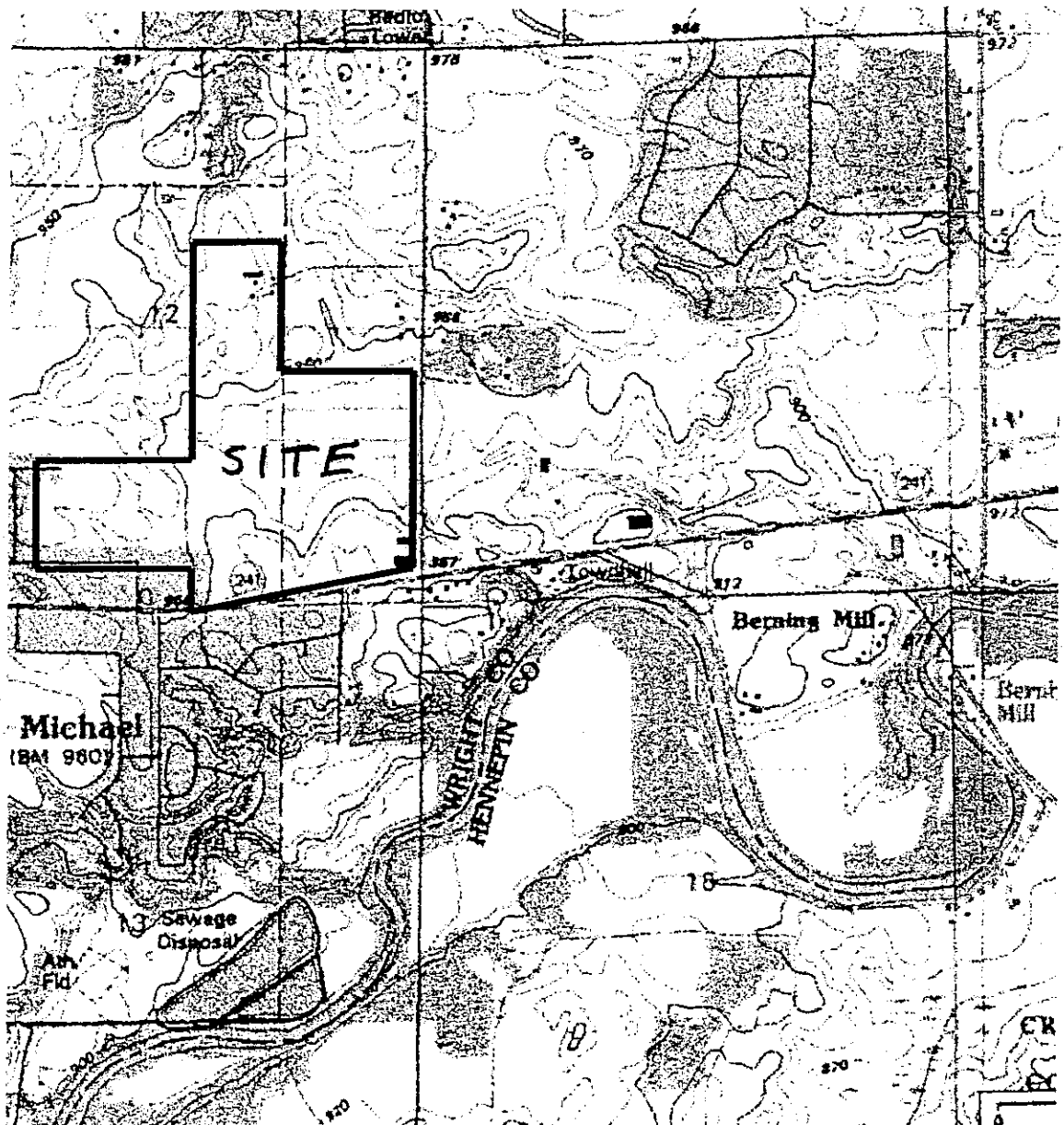


Figure 2 – USGS Topographic Map



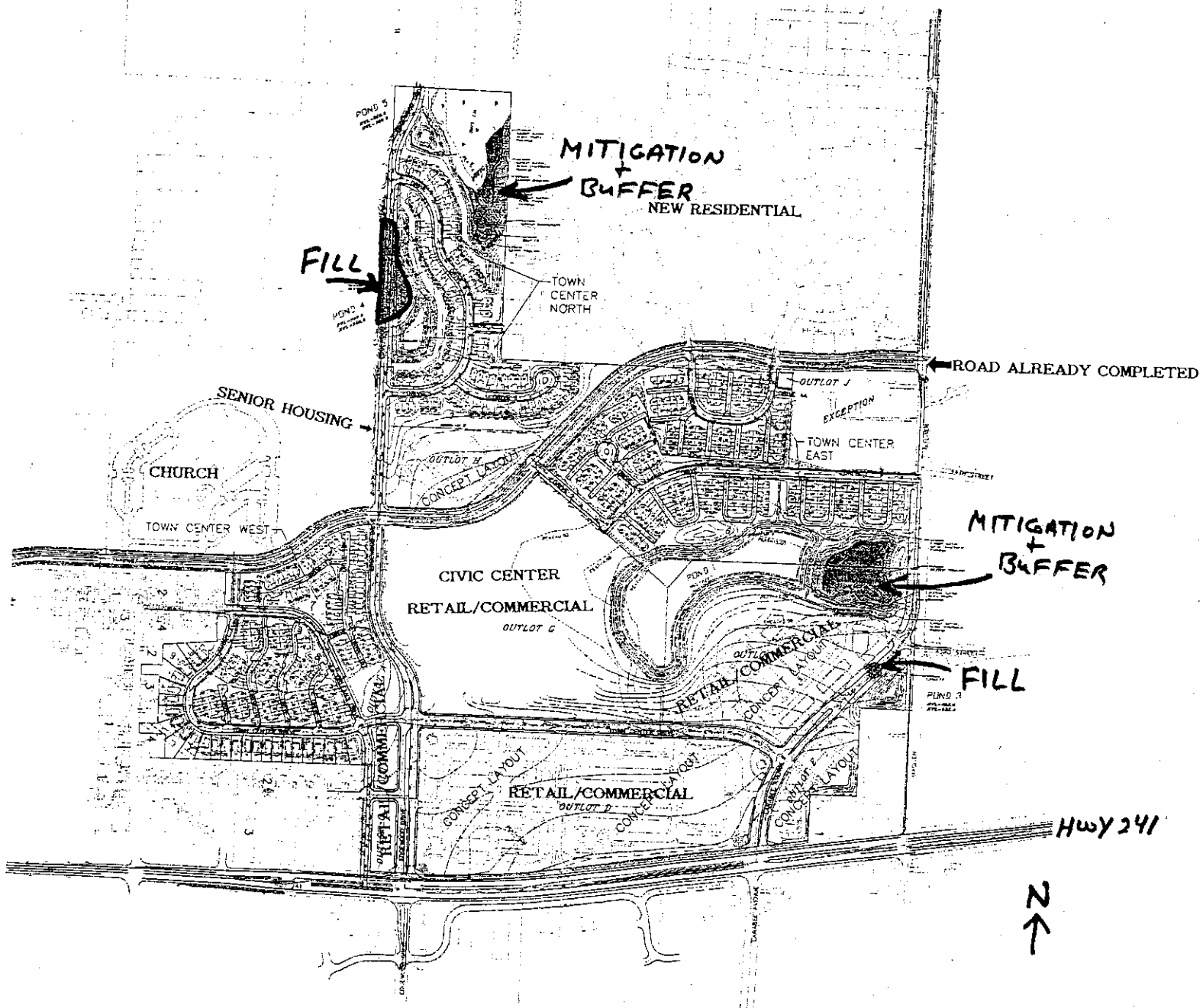
KJOLHAUG ENVIRONMENTAL SERVICES COMPANY

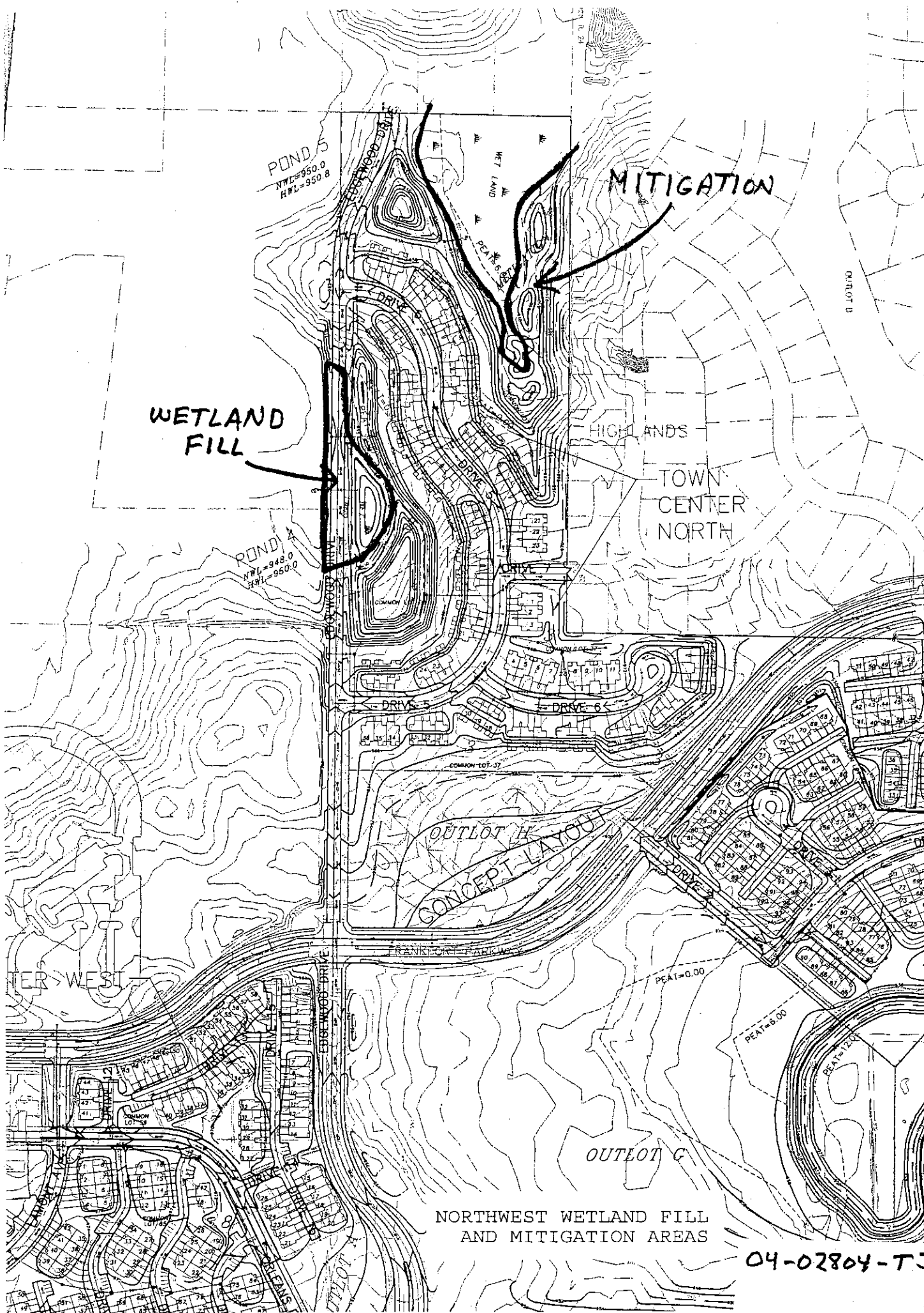
**Town Center of St. Michael (KES # 2001-165)
St. Michael, Minnesota**



Scale: 1 inch ~ 1650 feet

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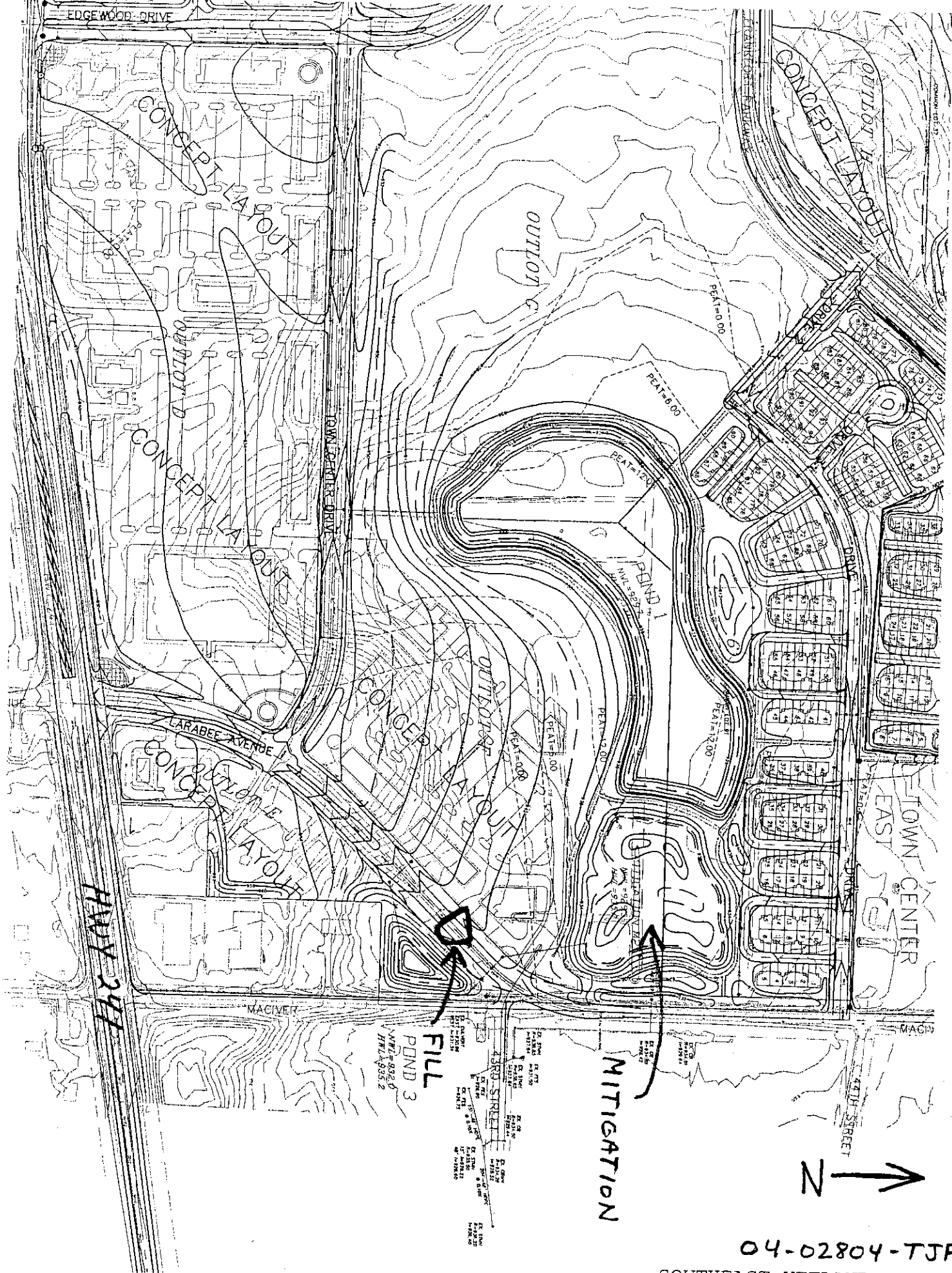




NORTHWEST WETLAND FILL
AND MITIGATION AREAS

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04-02804-TJF
SOUTHEAST WETLAND FILL
AND MITIGATION AREAS

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 5TH ST. EAST
ST. PAUL, MINNESOTA 55101-1638

OFFICIAL BUSINESS
REGULATORY BRANCH
CO-R

POSTMASTER: Please Post Until Notice Expires